

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:21-00163-01

CARLO RAMSEY

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the court is defendant Carlo Ramsey's pro se Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (Guideline Amendment NO. 821 (ECF No. 248), filed on March 5, 2024, wherein defendant requests a modification or reduction of his sentence in light of the United States Sentencing Guideline Amendment 821 in regard to his, Status Points.

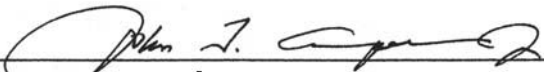
On November 1, 2023, a multi-part criminal history amendment designated as Amendment 821 in Appendix C to the *Guidelines Manual* became effective. Part A of the amendment addresses status point (additional criminal history points added for having committed the instant offense while under a criminal justice sentence), decreasing them by one point for individuals with seven or more criminal history points (other than status points) and eliminating status points for those with six or

fewer criminal history points. Subpart 1 of Part B creates a new §4C1.1 guideline that provides a decrease of two offense levels for "Zero-Point Offenders" (those with no criminal history points) whose offense did not involve specified aggravating factors. Parts A and B, subpart 1 of the criminal history amendment both have retroactive effect.

Inasmuch as the defendant, when sentenced herein on May 26, 2022, was not assessed any status points (rather, his Criminal History Category of III is comprised of six criminal history points for two prior convictions, none of which are status points) and inasmuch as the defendant's six criminal history points indicates he is not a zero-point offender, his motion for modification or reduction of his sentence is hereby ORDERED denied.

The Clerk is DIRECTED to send a copy of this Order to the Defendant, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: August 23, 2024



John T. Copenhagen, Jr.
Senior United States District Judge